

REMARKS

In the Office Action dated December 17, 2004, the Examiner rejected all pending claims, 1-39. Specifically, the Examiner objected to claims 1-4, 8, 14-17, 21, 27-30, and 34 because of informalities. The Examiner rejected claims 1-36 under 35 U.S.C. § 112. The Examiner rejected claims 1-6, 10, 14-19, 23, 27-32, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Joyce et al. (US2004/0153379). The Examiner rejected claims 7-9, 11-13, 20-22, 24-26, and 33-35 under 35 U.S.C. § 103(a) as being unpatentable over Biasi et al. (US2004/0098355) in view of Manduley et al. (U.S. Pat. No. 5,043,908). Because the Examiner has failed to make a proper rejection under 35 U.S.C. § 103, the applicant respectfully submits that he has traversed the Examiner's rejections.

Claim Objections

Applicant has amended the claims in keeping with the Examiner's suggestions to overcome certain informalities. In particular, claims 1-4, 8, 14-17, 21, 27-30, and 34 were so amended.

§ 112 Rejections

The Examiner rejected claims 1-36 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Examiner requested specific clarification of the meaning of the terms "mailpieces," "mailings," and "shipment" as those terms are used in the claims. As specifically recited in paragraph 29 of the specification:

A mailer 105, such as a company responsible for producing addressed mail pieces on behalf of a mail owner, produces one or more mailings 110a, 110b within a shipment 110.
The mail owner, which may be a company generating a high

volume of mail, such as a mail-order retailer, may require one or more mailings 110a, 110b to be produced by mailer 105, or a mailer 105 may produce multiple mailings 110a, 110b within a shipment 110 on behalf of multiple mail owners, respectively.

Therefore, a “shipment” comprises one or more “mailings.” A “mailing” comprises one or more “mailpieces.” The term “mailpieces” has its ordinary meaning and need not be redefined by the applicant.

The Examiner further rejected claims 4, 17, and 30 as indefinite for use of the term “the incoming shipment.” Applicant has amended the claim element from “receiving confirmation of the incoming shipment from the mailer” to “receiving confirmation that the shipment is incoming from the mailer” in order to clarify the claim. No change in scope of the claim element is intended or results from this change.

35 U.S.C. § 103(a) Rejections

The Examiner rejected claims 1-36 under 35 U.S.C. § 112. The Examiner rejected claims 1-6, 10, 14-19, 23, 27-32, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Joyce et al. Joyce is not directed to a mailing system, but rather to an order consolidation system, as the Abstract of Joyce notes that “[t]he present invention provides systems and methods of consolidating, shipping and distributing items comprising multiple orders to multiple customers.” In particular, Joyce fails to disclose, teach, or suggest “receiving mailing information from a mailer, the mailing information comprising shipment information relating to a shipment and a mailing code associated with a mailing, the shipment information comprising a shipment identifier.” While the Examiner points to paragraph 49+ of Joyce, the cited paragraphs of Joyce fail to disclose the receipt of mailing information. In contrast, Joyce discloses receiving

orders from customers from which packages comprising sub-packages are created (Joyce, ¶ 49). No mailing information is received by the system disclosed in Joyce.

Furthermore, the Examiner notes that Joyce fails to disclose “scanning at least one of the encoded shipment identifier or the mailing code into a scanned code.” The Examiner attempts to make up for the deficiency by citing that this element is “well known and conventional” But, the applicant respectfully disagrees and argues that it is not well-known to scan “at least one of the encoded shipment identifier or the mailing code.” Applicant requests, under MPEP § 2144.03 that the Examiner produce authority for his statement.

With regard to claims 2 and 15 specifically, the Examiner acknowledges that Joyce is silent regarding “estimating a cost to deliver the mailing based on the mailing information,” but that this well-known and conventional. Again, the Applicant disagrees that it is will known to “estimate a cost . . . based on the mailing information” and respectfully requests, under MPEP § 2144.03, that the Examiner produce authority for his statement.

With regard to claims 3-4, 16-17, and 29-30 specifically, the Examiner acknowledges that Joyce is silent regarding “receiving confirmation that the shipment is incoming . . . and . . . debiting a trust account . . . with the estimated cost to deliver the mailing,” but that this well-known and conventional. Again, the Applicant disagrees and respectfully requests, under MPEP § 2144.03, that the Examiner produce authority for his statement.

Therefore, applicant respectfully submits that at least for the above reasons, claims 1, 14, and 27 are allowable and that the Applicant has traversed the Examiner’s

rejections. Furthermore, claims 2-10, 15-23, and 28-36 are allowable for at least the reason that they respectively depend from allowable independent claims.

The Examiner also rejected claims 7-9, 11-13, 20-22, 24-26, and 33-35 under 35 U.S.C. § 103(a) as being unpatentable over Biasi et al. in view of Manduley et al. As previously argued, claims 7-9, 20-22, and 33-35 are allowable as being dependent on an allowable independent claim (see above). Regarding claims 11-13 and 24-26, Joyce fails to disclose, teach, or suggest "receiving mailing information from a mailer, the mailing information comprising shipment information relating to a shipment and a mailing code associated with a mailing, the shipment information comprising a shipment identifier." While the Examiner points to paragraph 49+ of Joyce, the cited paragraphs of Joyce fail to disclose the receipt of mailing information. In contrast, Joyce discloses receiving orders from customers from which packages comprising sub-packages are created (Joyce, ¶ 49). No mailing information is received by the system disclosed in Joyce. The further citation to Biasi and Manduley fails to cure this defect.

Therefore, applicant respectfully submits that at least for the above reasons, claims 11 and 24 are allowable and that the Applicant has traversed the Examiner's rejections. Furthermore, claims 12-13 and 25-26 are allowable for at least the reason that they respectively depend from allowable independent claims.

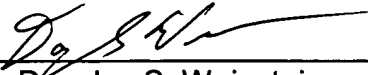
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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